

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 3 (Count 2 Sample Point 005)

System Name: Town of Otis PWSID Number: CO-0610105

Date of Enforcement Order: August 29, 2008 Number: DDC-080829-2

Regulation Violated: Failure to Monitor for Nitrate IS CCR 1003-1.56.1.5.2 Population Served: 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Nitrate – Calendar Year 2006	>500	\$250.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$250.00

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		1
	<i>Justification: The Division has chosen to consider the 2007 failure to monitor for Nitrate violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		\$250.00
	<i>Calculations:</i> <i>Day 1 (\$250.00) = \$250.00</i>		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		\$70.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the Town avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$320.00

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$320.00

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 3 (Count 1 Sample Point 004)

System Name: Town of Otis PWSID Number: C02061010

Date of Enforcement Order: August 29, 2008 Number: DC 080829-23

Regulation Violated: Failure to Monitor for Nitrate 5 CCR 1003-1.56(1) Population Served: 683

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Nitrate – Calendar Year 2007	>500	\$250.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Otis failed to monitor for Nitrate in 2006. Therefore, the Town of Otis has demonstrated a history/pattern of not obeying or complying with their regulatory obligations, thereby revealing a level of disregard for regulatory programs. The Town of Otis's continued noncompliance with the same violation supports an upward adjustment of 25%.</i>	25%	\$62.50
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$312.50

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		1
	<i>Justification: The Division has chosen to consider the 2007 failure to monitor for Nitrate violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		\$312.50
	<i>Calculations:</i> <i>Day 1 (\$312.50) = \$312.50</i>		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		\$70.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the Town avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$382.50

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$382.50

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 3 (Count 2 Sample Point 005)

System Name: Iawnt of Ols	RA SID Number: CO-10000
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Date of Enforcement Order: August 29, 2008 Number: DC-6306242

Regulation Violated: Failure to Monitor for Nimble, 5.CUR.100-116.15	Population Served: 69
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Nitrate – Calendar Year 2007	>500	\$250.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare		\$0.00
	<i>Justification: n/a</i>		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		\$0.00
	<i>Justification: n/a</i>		
Line 4	Factor C: Recalcitrance or Recidivism	25%	\$62.50
	<i>Justification: Town of Otis failed to monitor for Nitrate in 2006. Therefore, the Town of Otis has demonstrated a history/pattern of not obeying or complying with their regulatory obligations, thereby revealing a level of disregard for regulatory programs. The Town of Otis's continued noncompliance with the same violation supports an upward adjustment of 25%.</i>		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		\$0.00
	<i>Justification: n/a</i>		
Line 6	Factor E: Full and Prompt Cooperation		\$0.00
	<i>Justification: n/a</i>		
Line 7	Factor F: Environmental Compliance Program		\$0.00
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$0.00

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	Justification/Amount of Penalty	% Base Penalty Increase or Decrease	Amount in Dollars
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$312.50

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the 2007 failure to monitor for Nitrate violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$312.50
	<i>Calculations:</i> Day 1 (\$312.50) = \$312.50	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$70.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the Town avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$382.50

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$382.50

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 4 (Count 1 Sample 004)

System Name: Town of Otis WSD Number: CO-016010

Date of Enforcement Order: August 29, 2008 Number: DC-080829/2

Regulation Violated: 5.1.5.1 Failure to Monitor for Inorganic Chemicals, 5.1.5.2.1 § 6.1.5 Population Served: 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Inorganic Chemicals – Compliance Period January 1, 2005 through December 31, 2007	>500	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		1
	<i>Justification: The Division has chosen to consider the failure to monitor for inorganic chemicals violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		\$125.00
	<i>Calculations:</i> <i>Day 1 (\$125.00) = \$125.00</i>		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		\$265.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$390.00

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

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Part VIII – Final Adjusted Penalty

Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$390.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 4 (Count 2 Sample 005)

System Name: Inorganic Chemicals Enforcement Order Number: DO-080429-2

Date of Enforcement Order: August 29, 2008 Number: DO-080429-2

Regulation Violated: Failure to Monitor for Inorganic Chemicals, 5 C.R. 1003-1.36 Population Served: 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Inorganic Chemicals – Compliance Period January 1, 2005 through December 31, 2007	>500	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		1
	<i>Justification: The Division has chosen to consider the failure to monitor for inorganic chemicals violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		\$125.00
	<i>Calculations:</i> <i>Day 1 (\$125.00) = \$125.00</i>		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		\$265.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$390.00

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Exhibit A

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$390.00

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 5

System Name: Town of Otis DW910 Number: 00-0161010

Date of Enforcement Order: August 29, 2008 Number: DC-080329-24

Regulation Violated: Failure to Monitor for Lead and Copper, 5 CCR 1003.1-53.7 Population Served: 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Lead & Copper January 1, 2005 – December 31, 2007	> 500 Served	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$50.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for lead and copper violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$125.00
	<i>Calculations:</i> <i>Day 1 (\$125.00) = \$125.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$78.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$203.00

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$203.00

VIOLATION NUMBER: 6 (Count 1 Sample 004)

<p>Regulation Violated: 242.56 Monitor and/or 242.57 Report for Combined Reentry-226 +228, 5:GCR-2010-069-12363</p>	<p>Population Served: 685</p>
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	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor and/or Report for Combined Radium -226 +228 First, Second, Third and Fourth Quarters 2007	> 500 Served	\$125.00

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$50.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		1
	<i>Justification: The Division has chosen to consider the failure to monitor for Combined Radium -226 +228 violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		\$125.00
	<i>Calculations:</i> <i>Day 1 (\$125.00) = \$125.00</i>		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		\$78.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$203.00

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$203.00

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 6 (Count 2 Sample 005)

System Name: Town of Otis PWSID Number: 00000000

Date of Enforcement Order: August 27, 2008 Number: DDC-080829-2008

Regulation Violated: Failure to Monitor and/or Report for Combined Radium -226 +228 First, Second, Third and Fourth Quarters 2007 Population Served: 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor and/or Report for Combined Radium -226 +228 First, Second, Third and Fourth Quarters 2007	> 500 Served	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating /Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$50.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Exhibit A

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for Combined Radium -226 +228 violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$125.00
	<i>Calculations:</i> <i>Day 1 (\$125.00) = \$125.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$78.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$203.00

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$203.00

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 6 (Count 1 Sample 004)

System Name: Town of Otis	TPWSUD Number: 60
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Date of Enforcement Order: August 29, 2008	Number: DDC-020820
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Regulation Violated: Failure to Monitor and/or Report for Combined Radium -226 +228 5 CCR 1008.11, §63	Population Served: n/a
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor and/or Report for Combined Radium -226 +228 First and Second Quarters 2008	> 500 Served	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Otis failed to monitor and/or Report for Combined Radium -226 +228 First, Second, Third and Fourth Quarters 2007. Therefore, the Town of Otis has demonstrated a history/pattern of not obeying or complying with their regulatory obligations, thereby revealing a level of disregard for regulatory programs. The Town of Otis's continued noncompliance with the same violation supports an upward adjustment of 25%.</i>	25%	\$31.25
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$25.00

Exhibit A

	Base Penalty (Line 1 + Line 9)	Amount in Dollars
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)	\$156.25

Part III – Determination of Days of Violation

	Days of Violation
Line 11	Total Days of Violation
	1
	<i>Justification: The Division has chosen to consider the failure to monitor for Combined Radium -226 +228 violation as a single day violation.</i>

Part IV – Determination of Multi-Day Penalty Amount

	Amount in Dollars
Line 12	Multi-Day Penalty Amount
	\$156.25
	<i>Calculations:</i>
	<i>Day 1 (\$156.25) = \$156.25</i>

Part V – Economic Benefit Consideration

	Amount in Dollars
Line 13	Economic Benefit:
	\$200.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>

Part VI – Violation Penalty Total

	Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)
	\$356.25

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$356.25

1

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 6 (Count 2 Sample 005)

System Name/Town of Otis ID# ID#SID Number: 450-0100010

Date of Enforcement Order: August 22, 2008 Number: DC-080829-2457

Regulation Violated: Failure to Monitor and/or Report for Combined Radium -226 +228 5 CCR 1003-1.1 §63 Population Served: 686

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor and/or Report for Combined Radium -226 +228 First and Second Quarters 2008	> 500 Served	\$125.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating/Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Otis failed to monitor and/or Report for Combined Radium -226 +228 First, Second, Third and Fourth Quarters 2007. Therefore, the Town of Otis has demonstrated a history/pattern of not obeying or complying with their regulatory obligations, thereby revealing a level of disregard for regulatory programs. The Town of Otis's continued noncompliance with the same violation supports an upward adjustment of 25%.</i>	25%	\$31.25
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$25.00

Exhibit A

	Administrative Penalty (Sum of Lines 1 + 9)	Amount in Dollars
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)	\$156.25

Part III – Determination of Days of Violation

	Days of Violation
Line 11	Total Days of Violation
	1
	<i>Justification: The Division has chosen to consider the failure to monitor for Combined Radium -226 +228 violation as a single day violation.</i>

Part IV – Determination of Multi-Day Penalty Amount

	Amount in Dollars
Line 12	Multi-Day Penalty Amount
	\$156.25
	<i>Calculations:</i> <i>Day 1 (\$156.25) = \$156.25</i>

Part V – Economic Benefit Consideration

	Amount in Dollars
Line 13	Economic Benefit:
	\$200.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>

Part VI – Violation Penalty Total

	Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)
	\$356.25

Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$356.25

Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 7

System Name: Town of Otis **EWSD Number:** CO-0161010

Date of Enforcement Order: August 29, 2008 **Number:** DC-080829-2

Regulation Violated: Failure to Report for Residual Disinfection Concentration - 5 CCR 1003.1, §7.5 **Population Served:** 685

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Report for Residual Disinfection Concentration – 1 st and 2 nd Quarters 2008	< 500 Served	\$38.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare		\$0.00
	<i>Justification: n/a</i>		
Line 3	Factor B: Intentional, Reckless, or Negligent Actions		\$0.00
	<i>Justification: n/a</i>		
Line 4	Factor C: Recalcitrance or Recidivism		\$0.00
	<i>Justification: n/a</i>		
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		\$0.00
	<i>Justification: n/a</i>		
Line 6	Factor E: Full and Prompt Cooperation		\$0.00
	<i>Justification: n/a</i>		
Line 7	Factor F: Environmental Compliance Program		\$0.00
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$15.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$38.00

Exhibit A

Part III – Determination of Days of Violation

			Days of Violation
Line 11	Total Days of Violation		1
	<i>Justification: The Division has chosen to consider the failure to report for residual disinfection concentration violation as a single day violation.</i>		

Part IV – Determination of Multi-Day Penalty Amount

			Amount in Dollars
Line 12	Multi-Day Penalty Amount		\$38.00
	<i>Calculations:</i> <i>Day 1 (\$38.00) = \$38.00</i>		

Part V – Economic Benefit Consideration

			Amount in Dollars
Line 13	Economic Benefit:		\$40.00
	<i>Justification: The Division believes that the Town of Otis realized an economic benefit by failing to report since she avoided the cost of the labor involved in calculating and compiling the information into the required reports.</i>		

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$78.00

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable – The Division does not have any information suggesting that the Town of Otis has an inability to pay the assessed penalty amount.</i>		

Exhibit A

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$78.00